

Village at Loomis
Findings and Conditions of Approval

FINDINGS

The following findings are made for the Village at Loomis Tentative Subdivision Map pursuant to the Subdivision Map Act (Government Code, § 66410 et seq.) and Title 14 of the Loomis Municipal Code.

Finding SMA-1: *That the proposed subdivision and its improvements are consistent with the Town of Loomis General Plan (2001) ("General Plan"), any applicable Specific Plan, and with applicable provisions of the Subdivision Map Act and the Town's Subdivision Ordinance.*

Evidence Supporting Finding SMA-1:

The Subdivision and its Improvements are Consistent with the General Plan

The Town finds that the proposed subdivision and its improvements are consistent with the General Plan as provided in the Village at Loomis Final EIR, discussion of Impact 4.1-1; Village at Loomis, Draft EIR, Appendix B (General Plan Consistency), and Village at Loomis, Final EIR, Master Response 2 (General Plan Consistency). That analysis is hereby incorporated by reference into these findings, inclusive of the reasoning set forth in those portions of the Draft and Final EIR. Additional evidence supporting this finding is provided below.

The proposed subdivision is consistent with the General Plan's policies for Special Area 2, in which the subdivision is located. With respect to the riparian corridors on site, the subdivision has been designed to preserve the majority of the site's riparian habitat within a designated open space area located in the central portion of the project site. Mitigation Measure 4.3d requires the project to provide compensation for the loss of wetland sufficient to meet the Town of Loomis' requirement that there be no net loss of wetland communities. As discussed in Master Response 2 (General Plan Consistency) the subdivision is consistent with the General Plan's policies for wetlands and wetland setbacks. With respect to the proposed land uses, the project provides a gradual transition of development intensity, which would minimize conflicts with residential uses. The project's Village Commercial area is located adjacent to the Raley's center; the Village Office area is located behind the commercial district; and medium and medium-high density residential uses are located adjacent to the existing residential areas to the north of the site. The subdivision and its improvements are not subject to a specific plan for the development project. The subdivision is further consistent with the Town's subdivision regulations because the project has been conditioned to ensure compliance with all applicable requirements of Chapter 14.44 of the Municipal Code.

Finding SMA-2: *That the site is physically suitable for the type and density of the development.*

Evidence Supporting Finding SMA-2: The 66 acre site is physically suitable for the type and density of development because it is located in the Town core and provides an opportunity for infill. The site can contain the proposed development - residential, office, and commercial. To adapt the physical site to the development the project, as conditioned, would comply with requirements as to drainage control,

improved and new public roads, improved and new sanitary disposal facilities, water supply infrastructure, environmental protections, and other applicable requirements of the Town of Loomis Municipal Code. There are no existing hazards on the site that would restrict development as indicated on the tentative map.

Finding SMA-3: *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.*

The project is planned and designed to preserve and enhance significant natural features (e.g., creeks, wetlands, native trees, rock outcrops, wildlife habitat) and retain the existing topography. As identified in the Final EIR, most impacts of the proposed project were determined to be less than significant or no impact, even without the implementation of mitigation measures. As concluded in the EIR, with mitigation, most of the project's impacts to the environment can be mitigated to less than significant levels. Impacts that will be mitigated to less than significant include impacts vegetation/habitat for plants and animals, riparian habitat and waters of the U.S., special status-species, including habitat wildlife movement, and trees protected by the Town's tree ordinance.

Evidence Supporting Finding SMA-3: An EIR was prepared pursuant to CEQA (Public Resources Code, § 21000 et seq.) which requires mitigation measures to eliminate or reduce impacts to fish, wildlife, or their habitat. To the extent any impact could not be wholly reduced to a less than significant level, findings were made under CEQA section 21081, subdivision (a)(3), that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR.

Finding SMA-4: *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Evidence Supporting Finding SMA-4: The project site is not included in an Alquist-Priolo earthquake hazard zone and all new structured will be built in accordance with the California Building Code to ensure public safety from the possibility of ground-shaking hazards. While the alluvial soils within the 100-year floodplain on site have a moderate to low potential for liquefaction, lurch cracking, or lateral spreading, the project is required to implement Mitigation Measure 4.10a (geotechnical investigation). With implementation of Mitigation Measure 4.10a, and through compliance with Sections 12.04 and 14.20.040 of the Municipal Code, the risk of personal injury or property damaged associated with the alluvial soils on site and potentially unstable geologic units or soils would be less than significant. Although the project would develop lots within the currently-mapped 100-year floodplain, which could result in significant impacts related to on- and off-site flooding, project changes required under Mitigation Measure 4.11b would ensure that development onsite does not contribute to on- or off-site flooding hazards by requiring the project to obtain a Letter of Map Revision from FEMA to verify that the project grading and construction would not occur within the post-development floodplain and would not contribute to on- and off-site flooding hazards. This is required before any certificates of occupancy could be used for those lots within the FEMA-designated 100-year floodplain. The project would meet applicable building codes and maintain street widths and turning radii to accommodate fire protection equipment, and would ensure that adequate water pressure and volume are available for firefighting.

Further, the project is not expected to substantially increase the risk of fire in the area, and would reduce the risk of wildland fires adjacent to the existing residential subdivisions north of the project site.

Finding SMA-5: *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

Evidence Supporting Finding SMA-5: Two existing utility easements run through the central portion of the project site. One is controlled by South Placer Municipal Utility District (SPMUD) and the other is controlled by Placer County Water Agency (PCWA). PCWA provided comments on the Notice of Preparation indicating that Pacific Gas & Electric (PG&E) transferred the easement for the Eastside Canal, which PCWA maintains and operates, to PCWA. The project proposes to relocate the existing canal and must enter into a facilities agreement with PCWA to do so. The portion of the Eastside Canal that is proposed to be relocated would start under the pavement for the alleyway that would intersect Library Drive, between proposed lot 62 and the proposed park at the end of Library Drive, and would continue southerly under the bulb end of the proposed extension of Library Drive and the proposed multifamily residential area. The proposed realigned portion of the Eastside Canal would be placed below paved areas of the project site. The project is conditioned to require compliance with those facility agreements.

Finding SMA-6: *That the tentative map would not conflict with a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), an open space easement, or an agricultural easement.*

Evidence Supporting Finding SMA-6: The land is not zoned or used for agriculture, holds no conservation easements, and is not subject to a contract pursuant to the California Land Conservation Act of 1965.

Finding SMA-7: *That the Town has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.*

Evidence Supporting Finding SMA-7: Mitigation Measure 4.11b requires the project applicant to obtain a Conditional Letter of Map Revision prior to improvement plan approval to ensure that modification to the floodplain designation would not result in adverse effects related to flooding on site or off site. While the proposed project would place grading and structures within the mapped 100-year pre-development floodplain, the site would be engineered, through grading and construction of retaining walls, to ensure that no development would be located within the post-development floodplain. This would ensure that the project is consistent with General Plan requirements to preclude development within the post-development floodplain. The project would reduce peak flows during the 100-year event, and would therefore not contribute additional volume of stormwater runoff that could result in flooding on site or off site. The proposed placement of limited fill and roadway structures within the pre-development 100-year floodplain would not result in any on-site or off-site flooding hazards because no development would be located within the post-development floodplain and because the proposed

stormwater best management practices and detention basins would ensure that the post-development stormwater runoff rates and volumes would be reduced to 90% of the pre-development levels.

Finding SMA-8: *That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Evidence Supporting Finding SMA-8: Wastewater generated at the site would be collected by SPMUD and conveyed to the Dry Creek Regional Waste Water Treatment Plant (WWTP). The Dry Creek WWTP provides tertiary-level treatment and produces recycled water that meets requirements for Title 22 regulations for full, unrestricted use (excluding use as potable water). Treatment at the Dry Creek WWTP consists of screening, primary clarification, aeration, secondary clarification, filtering and disinfection.

Finding SMA-9: *That the project site is not the site of a mobile home park and is not a floating marina.*

Evidence Supporting Finding SMA-9: The land is not the site of a mobile home park and is not a floating marina. Therefore, there is no cause for denial.

Finding SMA-10: *That the proposed subdivision and its improvements are consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City's share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City's residents and available fiscal and environmental resources.*

Evidence Supporting Finding SMA-10: The project would provide for development of high-density housing in accordance with the Town's Housing Element. The project would help the Town meet its regional housing needs allocation (RHNA), however, the applicant has stated that while the project will provide up to 117 high density units, those units would not be developed as affordable housing and will be market rate units.

Finding SMA-11: *That solar access and passive heating and cooling design opportunities have been incorporated into the project design as feasible.*

Evidence Supporting Finding SMA-11: The subdivision will be constructed in accordance with California's Building Energy Efficiency Standards which are designed to ensure that building operations are energy efficient. The project will conform to California's Renewables Portfolio Standard mandates that 33% of the electricity delivered in California be generated by renewable sources like solar, wind, and geothermal by 2020. To achieve compliance, each residence will include: a whole house ceiling fan (Mitigation Measures 4.9.4(a)); pressure-balanced heating, ventilation, and air conditioning duct sealing (Mitigation Measure 4.9.4(d)); Energy Star rated (or greater) roofing materials (Mitigation Measure 4.9.4(j)); rooftop photovoltaic arrays with a minimum generation capacity of 1.5 (Mitigation Measure 4.9.4 (m)). Non-residential buildings will include: Energy Star rated (or greater) roofing materials (Mitigation Measure 4.9.4(n)); pressure-balanced heating, ventilation, and air conditioning duct sealing (Mitigation Measure 4.9.4(r)); an energy-efficient heating system (Mitigation Measure 4.9.4(s)); and will provide shade trees in parking lots, to reduce GHG emissions associated with cooling vehicles ((Mitigation Measure 4.9.4(x)).

GENERAL CONDITIONS

1. The Village at Loomis project ("project") involves the approval of a number of land use entitlements, including: a) changes in General Plan development standards; ii) a rezoning of the property to Planned Development (PD) pursuant to the Loomis Municipal Code; iii) approval of a Preliminary Development Plan for the project, including development standards and design guidelines; iv) approval of a Specific Development Plan applicable to portions of the project; and v) approval of a Development Agreement; and vi) approval of a Mitigation Monitoring and Reporting Program. The terms and conditions of these approvals, including requirements related to the timing and financing of infrastructure needed to serve the project, are hereby incorporated and made conditions of approval. In the event of an actual conflict between any of these terms and conditions, the following order of precedence will apply:
 - a. General Plan;
 - b. Mitigation Monitoring and Reporting Program;
 - c. Development Agreement;
 - d. Preliminary Development Plan and Development Standards;
 - e. Design Guidelines;
 - f. Specific Development Plan;
 - g. Zoning Code;
 - h. These conditions of approval.
2. Applicant shall comply with all applicable provisions of federal, state and Town laws, including the Town of Loomis Municipal Code.
3. Land use phasing and infrastructure phasing shall comply with Exhibits D and E of the Village at Loomis Development Agreement.
4. Mitigation measures contained in the Village at Loomis Environmental Impact Report Mitigation Monitoring and Reporting Program (MMRP) are incorporated herein by reference as required conditions of approval.
5. The project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Approval of this project, subject to these plans, conditions and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
6. When submitting for Improvement Plans, Final Maps or Building Plan Check, the applicant shall provide to the Planning Department a copy of the final conditions of approval (including any mitigation measures and conditions of approval set out in any of the other entitlements applicable and development agreement) with a cover letter specifying exactly how and where the revised project/plans or other document address each of the conditions/mitigation measures/requirements. Plan Check by the Planning Department and Town Engineer will not be initiated without compliance with this condition.

7. Applicant shall be responsible for correcting inconsistencies that may occur through errors or omissions on improvement plans or construction of project improvements.
8. The applicant shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees to attach, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the subdivision that is the subject of this application.

PUBLIC WORKS IMPROVEMENTS (ROADWAY, DRAINAGE, GRADING AND PARKING DESIGN)

9. The applicant shall obtain an encroachment permit from the Town of Loomis prior to any grading and/or construction within Town right-of-way.
10. Existing public facilities and real and personal property damaged during the course of construction shall be repaired/restored by the applicant at applicant's expense, to the reasonable satisfaction of the Town Engineer.
11. The Town shall not approve the Final Map for recordation until either:
 - a. A subdivision agreement/contract improvement agreement is entered into along with a bond, cash deposit, or instrument of credit, in the amount of 150% of the estimated cost, guaranteeing the construction of all improvements within the time period required or an approved time extension in accordance with the provisions of the Loomis Municipal Code and other applicable laws. The subdivision agreement/contract improvement agreement shall be in a form acceptable to the Town Attorney.
 - OR
 - b. The improvement plans are approved, and the improvements are constructed and accepted as complete.
12. All improvement plans and grading plans shall be prepared by a California Registered Civil Engineer and shall be approved by the Town Engineer prior to approval of the improvement plans for that portion of the project.
13. Applicant shall submit as-built plans and computer generated design files on CD (PDF and AutoCAD) detailing the final improvements prior to final acceptance of improvements.
14. The applicant shall pay Town's actual costs for providing plan check, installation and inspection services related to on-site and off-site improvements. Costs shall be paid in full prior to acceptance of the improvements. The applicant shall deposit an initial inspection fee of three percent (3%) of the total grading and construction costs related to civil improvements.

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15. Applicant shall dedicate all necessary easements, as shown on the tentative map, for streets, alleys, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the utility agencies and the Town.
16. Applicant shall be responsible for all actions of applicant's contractors and subcontractors until such time as improvements have been accepted as complete by the Town.
17. Both on-site and off-site drainage facilities shall be designed and constructed in compliance with the Placer County Flood Control District Storm Water Management Manual, the Town of Loomis Land Development Manual and best management practices.
18. Prior to issuance of grading permit(s), applicant shall submit a grading and drainage plan to the Town for review and approval that addresses the impacts to the drainage patterns and runoff increases. On-site detention shall be provided for the increased runoff rate caused by project development in accordance with the Placer County Flood Control District Storm Water Management Manual and the Loomis Land Development Manual.
19. Applicant shall establish a Homeowner's Association for maintenance of all common areas, including pedestrian walkways, easements, and landscaping, including private front yard landscaping and landscaping in the public rights-of-ways to the extent not already in a maintenance district. A declaration of Covenants, Conditions and Restrictions (CC&RS), in a form acceptable to the Town, shall be recorded on the entire property concurrently with the Final Map. The CC&Rs shall include the following items:
 - a. Garages within Village Plan Area 1 and Village Plan Area 2 shall not be used in such a manner as to restrict their availability for the parking of the resident vehicles;
 - b. Prohibits the amendment or deletion of any sections of the CC&Rs required by these conditions without the Town's written consent, which can be withheld in the Town's reasonable discretion; and
 - c. Identifies the Town as a third party beneficiary of these provisions with the right, but not the obligation, to enforce them.
 - d. All landscape areas shall be maintained in a healthy, thriving condition, free from weeds, trash and debris.
20. Access to the project site (for emergency and vehicular access) during grading and construction activities and project operation shall be maintained to the satisfaction of the Director of Public Works/Town Engineer and South Placer Fire Protection District.
21. The applicant shall ensure that the fitness trails are ten feet wide and constructed of decomposed granite. The portion of the trail that serves as a utility access road may be paved or constructed with an all-weather surface. The trail along the westside of the project shall be approximately 1,650 feet long, the trail along the east side shall be approximately 475 feet long. The trail on the west shall include a connection to the end of Library Drive and with Doc Barnes Drive, and the

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trail on the east would include a connection to the future Blue Anchor Drive. These fitness trails shall include parcourse stations every 200-300 feet. In addition, one parcourse station shall be located in each of the two proposed active parks along with signage directing parcourse users to the other parcourse stations.

22. The applicant shall further ensure that the active parks include turf decorative landscape areas, benches, tot-lot play equipment, including climbing and play structures, and shade structures.
23. All grading shall comply with the requirements of the Town Grading Ordinance (Municipal Code Section 12.04), with prior review and approval by the Town Engineer. A grading permit shall be obtained prior to the approval of Improvement Plans. A rough grading permit may be approved by the Town Engineer prior to approval of the improvement plans.
24. Prior to issuance of a grading permit, the applicant shall submit to the Town a staging plan for construction vehicles to address construction routes on-site and minimize impacts to surrounding uses during construction operations.
25. Prior to issuance of a grading permit, the applicant shall submit to the Town a preliminary construction schedule consistent with Exhibit D and Exhibit E of the Village at Loomis Development Agreement.
26. Prior to issuance of a grading permit and/or improvements plans, applicant shall submit to the Planning Director and the Town Engineer the appropriate permits and clearances from the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife, and the Regional Water Quality Control Board.
27. The applicant shall, in consultation with the relevant school, fund and install signage throughout the property depicting safe routes to Loomis Grammar School and Del Oro High School.

AGENCIES

28. Prior to approval of improvement plans, Applicant shall provide to the Town of Loomis a will-serve letter or an equivalent approval from South Placer Municipal Utility District, Placer County Water Agency, refuse collector, post office, and South Placer Fire Protection District, including extension of the zone of benefit for the Fire District. The owner shall comply with all legally enforceable requirements or conditions imposed upon the project by these agencies to the satisfaction of the Town and the agencies prior to any building permits being issued.
29. All utility facilities shall be constructed underground, in accordance with the Loomis Municipal Code.
30. Applicant shall provide an approved Letter of Map Revision prior to the issuance of any building permits in Village Plan Area 2 (Village Single Family Greencourt) that contains Lots 226 through 230.

Placer County Health Environmental Health Division

31. Prior to the issuance of building permits, the applicant shall submit a completed Hazardous Materials Emissions Questionnaire as required by the Placer County Division of Environmental Health.
32. The applicant shall not discharge fuels, oils, other petroleum products, chemicals, detergents, or cleaners to the surface of the ground or to drainage ways on or adjacent to the site.
33. Portable toilets located on-site during grading and construction activities shall be screened from public view. The portable toilet location(s) shall be subject to the approval of Placer County Environmental Health and the Loomis Planning Director.

South Placer Municipal Utility District (SPMUD)

34. Prior to recordation of final map, the applicant shall submit a will-serve letter from the South Placer Municipal Utility District to the Town of Loomis confirming that there is sufficient capacity in the sewage collection and conveyance infrastructure to serve the project.
 - a. The creation of any open space areas shall not modify or reduce the rights of SPMUD to access, maintain, repair, and replace sewer facilities, or add regulatory requirements for the above-mentioned activities.
 - b. A new sewer line shall be constructed within the proposed Library Drive, so that portions of the existing 10-inch sewer within the open space of the project can be abandoned in place. Upon acceptance of the sewer improvements by SPMUD, SPMUD will allow the termination of its sewer easement over the abandoned sewer facilities.
 - c. An all-weather access road/surface shall be constructed along the utility corridor which can support the load of SPMUD maintenance vehicles and equipment (46,000 pounds).
 1. SPMUD Standards and Specifications defines all-weather surface as 3-inches of asphalt concrete over 8-inches of compacted aggregate base, or approved equal. Decomposed granite alone will not be accepted.
 2. The access road shall provide access to the entire length of the sewer pipelines with the exception that an access road will not be required over the portion of the existing pipeline within the delineated wetland.
 3. Turnaround spaces shall be constructed per SPMUD standards if the access road(s) do not provide continuous travel across the entirety of the access road. Easements shall be provided to SPMUD for turnaround spaces.

Placer County Water Agency (PCWA)

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35. Prior to approval of improvement plans, the applicant shall enter into a facilities agreement with PCWA and provide the agreement to the Town.
- a. The applicant shall design and construct all public water facilities to PCWA and state standards.
 - b. The applicant shall relocate and replace the existing canal where it enters an improved area such as roadway or alley. The canal shall be relocated into the public right of way and not in a private parcel.
 - c. The applicant shall install fencing at the edge of PCWA's existing easement.
 - d. The applicant shall provide all-weather access along the existing PCWA easement. If decomposed granite is the finished surface of choice, the applicant shall be responsible for maintenance and replacement due to normal expected use of an all-weather surface.

South Placer Fire Protection District

36. The applicant shall comply with the requirements of the South Placer Fire Protection District prior to the approval of improvement plans.
37. Improvement plans shall show the location and size of fire hydrants and water mains in conformance with the standards and requirements of the South Placer Fire Protection District and Placer County Water Agency.

GENERAL PLANNING

38. Applicant shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest.
39. Per Government Code Section 66000, applicant shall be responsible for reimbursement of all actual monitoring costs to insure compliance with these conditions.
40. Applicant shall be responsible for taking reasonable actions to abate nuisances caused in the project area which are under the owner's control.
41. Prior to issuance of grading permit, a minimum cash deposit of \$10,000 (or an amount deemed adequate by the Planning Director) shall be posted to ensure that the heritage trees on site are protected/preserved and replaced, if required. The bond shall be posted on a form approved by the Town Attorney prior to issuance of grading permit.

LANDSCAPING AND DESIGN – DESIGN REVIEW APPROVAL

42. All buildings, landscaping, roads, alleyways, and all trails and pedestrian ways shall be as designed and constructed consistent with the Village at Loomis Development Standards and Village at

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Loomis Design Guidelines. Minor modifications which do not have a material effect on the design of the project may be approved by the Planning Director consistent with the Specific Development Plans.

43. Final landscaping and street tree plans shall be designed and constructed consistent with Section 13.34 (Landscaping Standards) of the Town Municipal Code, the Village at Loomis Development Standards and Village at Loomis Design Guidelines. Minor modifications which do not have a material effect of the design of the project may be approved by the Planning Director consistent with the Specific Development Plans.
44. Individual development projects are subject to the Village Design Guidelines and shall be subject to preliminary design review by the Village at Loomis Design Review Committee prior to submittal to the Town of Loomis for processing.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

45. An annual mitigation monitoring fee of \$1,000 shall be paid to the Town of Loomis and shall be included within the financing mechanism established to fund maintenance of improvements.